UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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S & L VITAMINS, INC.,

Plaintiff,

-against-

AUSTRALIAN GOLD, INC.,

Defendant/Counterclaimant
and Third Party Plaintiff,

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ORDER

CV 05-1217 (JS)

ORENSTEIN, Magistrate Judge:

The Defendant/Counterclaimant and Third Party Plaintiff moves for an order granting it the right to release the identity of an added third party defendant. *Earley Letter*, dated January 4, 2006.

The plaintiff opposes the motion upon the ground that movant' counsel's release of the identity would identify a supplier of plaintiff. Such action it contends would defeat the purpose of the previously entered Stipulated Protective Order. *Coleman Letter*, dated January 6, 2006; *Stipulated Protective Order*, dated August 11, 2005.

The Stipulated Protective Order provides in part:

> . . . except that if the production of the Designated Material reveals that one of the plaintiff/ third party defendants' suppliers is an authorized distributor or subdistributor of defendant/third party plaintiff, counsel of record for defendant/third party plaintiff, by order of the Court upon motion by defendant/third party plaintiff, shall have the right to disclose the identity of the supplier(s) and materials produced in regard thereto to defendant/third party plaintiff...

Thus, this Court holds that if the added third party defendant(s) is an authorized distributor or subdistributor of defendant/third party plaintiff, then it may release the identity and use the information without restriction.

If the added party is not an authorized distributor or subdistributor, this Court will hear oral argument on March 31, 2006 at 10:30 a.m. At such argument counsel shall focus their thoughts on *Drexel Heritage Furnishings, Inc. v. Furniture U.S.A., Inc.*, 200 F.R.D. 255 (M.D.N.C. 2001) and *In re Independent Service Organizations Antitrust Litigation*, 162 F.R.D. 355 (D. Kan. 1995). Counsel shall also focus on the attorney-client relationship and an attorney's advising a client of the identity of the adversary parties.

SO ORDERED.

Dated: Central Islip, New York
January 31, 2006

MICHAEL L. ORENSTEIN
United States Magistrate Judge